

FILED

UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

clon
Rosario Marinello

CASE NO. C 08-0664-JW

Plaintiff

vs.

**AMMENDED EMPLOYMENT
DISCRIMINATION COMPLAINT**

California Department of Corrections
and Rehabilitation

Defendant

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 Rosario Marinello)

11 Plaintiff,)

12 vs.)

13 California Department of Corrections and)
Rehabilitation)

14 Defendant(s).)
15)

CASE NO. C 08-0664-JW

**EMPLOYMENT DISCRIMINATION
COMPLAINT**

16 1. Plaintiff resides at:

17 Address 1710 Napa St.

18 City, State & Zip Code Seaside, CA 93955

19 Phone (831) 915-5332

20 2. Defendant is located at:

21 Address P.O. BOX 1020

22 City, State & Zip Code Soledad, CA. 93960

23 3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employ-
24 ment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5.
25 Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

26 4. The acts complained of in this suit concern:

27 a. ☐ Failure to employ me.

28 b. ☐ Termination of my employment.

1 c. ☒ Failure to promote me.

2 d. ☒ Other acts as specified below.

3 2) Removal from an Open Promotional Hiring List

4 3) False allegations resulting in invasion of interest in my reputation and disruption of my ability

5 to be hired in occupations that are within my qualifications.

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9 5. Defendant's conduct is discriminatory with respect to the following:

10 a. ☐ My race or color.

11 b. ☐ My religion.

12 c. ☐ My sex.

13 d. ☐ My national origin.

14 e. ☒ Other as specified below.

15 Retaliation for engaging in Protective Activities, thus violating Title VII of the Civil Rights Act

16 6. The basic facts surrounding my claim of discrimination are:

17 Specific incidences of Retaliation: 1) On March 23rd, 2006 I was placed on "Active Hiring Status"

18 For the Position of Correctional Counselor I (CCI). This was the result of an Appeal to the California State

19 Personnel Board in January of 2006. The Appeal was in response to being disqualified from the CCI

20 position for unspecific reasons. However after 14 months of attending interviews and over two years after I

21 accepted an offer for a CCI position at CTF Soledad, I was not hired.

22 2) On February 23rd, 2007 I Initiated an EEOC Complaint of Discrimination for not being hired. Three

23 months later on May 10th, 2007, I received a letter from CTF Soledad stating that I was no longer

24 eligible for the CCI position on the Open Promotional List. Continued on added page:

25 7. The alleged discrimination occurred on or about May 7th, 2007.

26 (DATE)

27 8. I filed charges with the Federal Equal Employment Opportunity Commission (or the
28 California Department of Fair Employment and Housing) regarding defendant's alleged

6) The basic facts surrounding my claim continued:

3) In June of 2006 Allegations were brought against me through an Internal Affairs Investigation.

These Allegations would prevent me from being hired in Promotional Position while the Investigation was pending. The Allegations are not true as written and I never received notice of the outcome of this Investigation.

1 discriminatory conduct on or about September 4th, 2007.

2 (DATE)

3 9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter
4 (copy attached), which was received by me on or about October 10th, 2007.

5 (DATE)

6 10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

7 Yes ☐ No ☒

8 11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,
9 including injunctive orders, damages, costs, and attorney fees.

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11 DATED: 6/25/08

Rosario Marinello

12

SIGNATURE OF PLAINTIFF

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14 (PLEASE NOTE: NOTARIZATION
15 IS NOT REQUIRED.)

Rosario Marinello

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PLAINTIFF'S NAME

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(Printed or Typed)

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